

General Docket
United States Court of Appeals for District of Columbia Circuit

Court of Appeals Docket #: 18-5316

Docketed: 10/31/2018
Termed: 11/01/2019

Nature of Suit: 2895 Freedom of Information Act of 1974

Institute For Justice v. IRS

Appeal From: United States District Court for the District of Columbia

Fee Status: Fee Paid

Case Type Information:

- 1) Civil US
- 2) United States
- 3)

Originating Court Information:

District: 0090-1 : [1:16-cv-02406-TNM](#)

Lead: [1:16-cv-02406-TNM](#)

Motions Judge: Trevor Neil McFadden, U.S. District Judge

Date Filed: 12/08/2016

Date Order/Judgment:

Date NOA Filed:

09/28/2018

10/25/2018

Prior Cases:

None

Current Cases:

None

Panel Assignment:

Panel: CTLP NR SFW

Date of Hearing: 09/12/2019

Date of Decision: 11/01/2019

Date Completed: 11/01/2019

Institute For Justice

Plaintiff - Appellant

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v.

Internal Revenue Service
Defendant - Appellee

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Institute For Justice,













Plaintiff - Appellant








v.

Internal Revenue Service,

Defendant - Appellee

10/31/2018		US CIVIL CASE docketed. [18-5316] [Entered: 10/31/2018 02:02 PM]
10/31/2018	 29 pg, 8.47 MB	NOTICE OF APPEAL [1757991] seeking review of a decision by the U.S. District Court in 1:16-cv-02406-TNM filed by Institute For Justice. Appeal assigned USCA Case Number: 18-5316. [18-5316] [Entered: 10/31/2018 02:03 PM]
10/31/2018	 2 pg, 46.11 KB	CLERK'S ORDER [1757993] filed directing party to file initial submissions: APPELLANT docketing statement due 11/30/2018. APPELLANT certificate as to parties due 11/30/2018. APPELLANT statement of issues due 11/30/2018. APPELLANT underlying decision due 11/30/2018. APPELLANT deferred appendix statement due 11/30/2018. APPELLANT notice of appearance due 11/30/2018. APPELLANT transcript status report due 11/30/2018. APPELLANT procedural motions due 11/30/2018. APPELLANT dispositive motions due 12/17/2018; directing party to file initial submissions: APPELLEE certificate as to parties due 11/30/2018. APPELLEE entry of appearance due 11/30/2018. APPELLEE procedural motions due 11/30/2018. APPELLEE dispositive motions due 12/17/2018 [18-5316] [Entered: 10/31/2018 02:04 PM]
11/14/2018	 2 pg, 106.11 KB	ENTRY OF APPEARANCE [1759979] filed by Douglas C. Rennie on behalf of Appellee IRS. [18-5316] (Rennie, Douglas) [Entered: 11/14/2018 06:07 PM]
11/28/2018	 4 pg, 98.13 KB	CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1761954] filed by Institute For Justice [Service Date: 11/28/2018] [18-5316] (Prins, Andrew) [Entered: 11/28/2018 04:56 PM]
11/28/2018	 2 pg, 153.91 KB	DOCKETING STATEMENT [1761957] filed by Institute For Justice [Service Date: 11/28/2018] [18-5316] (Prins, Andrew) [Entered: 11/28/2018 04:58 PM]
11/28/2018	 2 pg, 149.95 KB	ENTRY OF APPEARANCE [1761958] filed by Andrew D. Prins on behalf of Appellant Institute For Justice. [18-5316] (Prins, Andrew) [Entered: 11/28/2018 05:00 PM]
11/28/2018	 3 pg, 79.88 KB	STATEMENT OF INTENT REGARDING APPENDIX DEFERRAL [1761961] filed by Institute For Justice [Service Date: 11/28/2018] Intent: AppxNotDeferred [18-5316] (Prins, Andrew) [Entered: 11/28/2018 05:04 PM]
11/28/2018	 1 pg, 49.47 KB	TRANSCRIPT STATUS REPORT [1761962] filed by Institute For Justice [Service Date: 11/28/2018]. Status of Transcripts: Final - No transcripts are needed for the appeal. [18-5316] (Prins, Andrew) [Entered: 11/28/2018 05:07 PM]
11/28/2018	 3 pg, 92.63 KB	STATEMENT OF ISSUES [1761964] filed by Institute For Justice [Service Date: 11/28/2018] [18-5316] (Prins, Andrew) [Entered: 11/28/2018 05:09 PM]
11/28/2018	 26 pg, 562.85 KB	UNDERLYING DECISION IN CASE [1761966] submitted by Institute For Justice [Service Date: 11/28/2018] [18-5316] (Prins, Andrew) [Entered: 11/28/2018 05:10 PM]
11/28/2018	 1 pg, 51.31 KB	CERTIFICATE OF SERVICE [1761981] to report status of transcript (final) [1761962-2] filed by Institute For Justice. [18-5316] (Prins, Andrew) [Entered: 11/28/2018 05:58 PM]
12/06/2018	 4 pg, 66.06 KB	CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1763096] filed by IRS [Service Date: 12/06/2018] [18-5316] (Rennie, Douglas) [Entered: 12/06/2018 11:59 AM]
01/02/2019		CLERK'S ORDER [1766759] filed setting briefing schedule: APPELLANT Brief due 02/11/2019. APPENDIX due 02/11/2019. APPELLEE Brief due on 03/13/2019. APPELLANT Reply Brief due 04/03/2019 [18-5316] [Entered: 01/02/2019 05:17 PM]

01/18/2019	 2 pg, 141.12 KB	ENTRY OF APPEARANCE [1769183] filed by Andrew D. Prins and co-counsel Gregory B. in den Berken on behalf of Appellant Institute For Justice. [18-5316] (in den Berken, Gregory) [Entered: 01/18/2019 01:51 PM]
01/23/2019	 7 pg, 148.92 KB	UNOPPOSED MOTION [1769786] for stay of briefing in light of lapse of appropriations filed by IRS [Service Date: 01/23/2019] Length Certification: 347 words. [18-5316]--[Edited 01/23/2019 by DJR] (Rennie, Douglas) [Entered: 01/23/2019 02:49 PM]
01/24/2019	 1 pg, 38.9 KB	CLERK'S ORDER [1770136] filed granting appellee's unopposed motion for a stay of briefing in light of lapse of appropriations [1769786-2] , The parties are directed to file motions to govern further proceedings in this case within 14 days of the date that appropriations are restored and the Department of Justice attorneys are permitted to resume their usual civil litigation functions. [18-5316] [Entered: 01/24/2019 05:36 PM]
01/28/2019	 7 pg, 147.95 KB	UNOPPOSED MOTION [1770611] to lift stay of briefing, and set briefing in case filed by IRS [Service Date: 01/28/2019] Length Certification: 361 words. [18-5316]--[Edited 01/29/2019 by DJR] (Rennie, Douglas) [Entered: 01/28/2019 05:04 PM]
01/29/2019	 1 pg, 39.82 KB	CLERK'S ORDER [1770884] filed removing case from abeyance and returning case to the court's active docket, setting briefing schedule: APPELLANT Brief due 03/18/2019. APPENDIX due 03/18/2019. APPELLEE Brief due on 04/17/2019. APPELLANT Reply Brief due 05/08/2019 [18-5316] [Entered: 01/29/2019 04:34 PM]
03/06/2019		INCORRECT DOCKET ENTRY-DISREGARD--UNOPPOSED MOTION [1776365] to extend time to file brief to 04/08/2019 filed by Institute For Justice [Service Date: 03/06/2019] Length Certification: 249 words. [18-5316]--[Edited 03/06/2019 by DJR] (Brill, Matthew) [Entered: 03/06/2019 03:16 PM]
03/06/2019	 5 pg, 90.72 KB	UNOPPOSED MOTION [1776381] to extend time to file brief to 04/08/2019 filed by Institute For Justice [Service Date: 03/06/2019] Length Certification: 249 words. [18-5316] (Prins, Andrew) [Entered: 03/06/2019 03:33 PM]
03/08/2019	 1 pg, 39.46 KB	CLERK'S ORDER [1776677] filed granting appellant's unopposed motion to extend time [1776381-2] , The following revised briefing schedule will now apply: APPELLANT Brief due 04/08/2019. APPENDIX due 04/18/2019. APPELLEE Brief due on 05/08/2019. APPELLANT Reply Brief due 05/29/2019 [18-5316] [Entered: 03/08/2019 11:03 AM]
04/08/2019	 86 pg, 302.69 KB	APPELLANT BRIEF [1781752] filed by Institute For Justice [Service Date: 04/08/2019] Length of Brief: 11,810 Words. [18-5316] (Prins, Andrew) [Entered: 04/08/2019 05:07 PM]
04/08/2019	 1149 pg, 30.47 MB	JOINT APPENDIX [1781761] filed by Institute For Justice. [Volumes: 2] [Service Date: 04/08/2019] [18-5316] (Prins, Andrew) [Entered: 04/08/2019 05:22 PM]
05/08/2019	 2 pg, 122.04 KB	ENTRY OF APPEARANCE [1786771] filed by Douglas C. Rennie and co-counsel Michael J. Haungs on behalf of Appellee IRS. [18-5316] (Haungs, Michael) [Entered: 05/08/2019 11:48 AM]
05/08/2019	 2 pg, 122.68 KB	ENTRY OF APPEARANCE [1786773] filed by Douglas C. Rennie and co-counsel Gilbert S. Rothenberg on behalf of Appellee IRS. [18-5316] (Rothenberg, Gilbert) [Entered: 05/08/2019 11:51 AM]
05/08/2019		APPELLEE BRIEF [1786909] filed by IRS [Service Date: 05/08/2019] Length of Brief:

019	100 pg, 293.08 KB	12,761 words. [18-5316] (Rennie, Douglas) [Entered: 05/08/2019 03:02 PM]
05/29/2019	 40 pg, 183.57 KB	APPELLANT REPLY BRIEF [1790052] filed by Institute For Justice [Service Date: 05/29/2019] Length of Brief: 6,326 Words. [18-5316] (Prins, Andrew) [Entered: 05/29/2019 05:58 PM]
06/21/2019	 1 pg, 40.91 KB	CLERK'S ORDER [1793899] filed scheduling oral argument on Thursday, 09/12/2019. [18-5316] [Entered: 06/21/2019 11:57 AM]
08/30/2019	 1 pg, 41.98 KB	PER CURIAM ORDER [1804381] filed allocating oral argument time as follows: Appellant - 10 Minutes, Appellee - 10 Minutes. One counsel per side to argue; directing party to file Form 72 notice of arguing attorney by 09/05/2019 [18-5316] [Entered: 08/30/2019 11:45 AM]
09/04/2019		FORM 72 submitted by arguing attorney, Andrew D. Prins, on behalf of Appellant Institute For Justice (<i>For Internal Use Only: Form is restricted to protect counsel's personal contact information</i>). [18-5316] (Prins, Andrew) [Entered: 09/04/2019 10:33 AM]
09/04/2019		FORM 72 submitted by arguing attorney, Douglas C. Rennie, on behalf of Appellee IRS (<i>For Internal Use Only: Form is restricted to protect counsel's personal contact information</i>). [18-5316] (Rennie, Douglas) [Entered: 09/04/2019 12:39 PM]
09/12/2019	 1 pg, 39.7 KB	ORAL ARGUMENT HELD before Judges Pillard, Rao and Williams. [18-5316] [Entered: 09/12/2019 12:03 PM]
11/01/2019	 1 pg, 54.89 KB	PER CURIAM JUDGMENT [1813707] filed that the judgment of the District Court appealed from in this cause be reversed and the case be remanded for further proceedings, for the reasons in the accompanying opinion . Before Judges: Pillard, Rao and Williams. [18-5316] [Entered: 11/01/2019 09:58 AM]
11/01/2019	 15 pg, 180 KB	OPINION [1813708] filed (Pages: 15) for the Court by Judge Williams. [18-5316] [Entered: 11/01/2019 10:01 AM]
11/01/2019	 1 pg, 38.62 KB	CLERK'S ORDER [1813710] filed withholding issuance of the mandate. [18-5316] [Entered: 11/01/2019 10:02 AM]
